

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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ANNE MARIE PORTER, f/k/a ANNE MARIE  
GRIFFES,

UNPUBLISHED  
July 27, 1999

Plaintiff-Appellant,

v

No. 215372  
Jackson Circuit Court  
LC No. 92-061595 DM

RANDY BYRON GRIFFES,

Defendant,

and

NOAHIE GRIFFES and ANN GRIFFES,

Intervenors-Appellees.

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Before: Sawyer, P.J., and Holbrook, Jr., and W. E. Collette,\* JJ.

MEMORANDUM.

Plaintiff appeals by right from the trial court's order denying her motion for change of child custody. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, plaintiff argues that the trial court erred in failing to consider Michigan's public policy to encourage temporary transfers of custody by returning custody when the need for the transfer no longer exists. In this regard, plaintiff cites the June 17, 1994, hearing transcript as support for the claim that she voluntarily agreed to relinquish custody of her children to the paternal grandparents on a temporary basis, because of her then-existing inability to care for the children properly, until such time that she was fit to care for the children again. We disagree.

This Court has stated that public policy favors agreements in which custodial parents temporarily and voluntarily transfer custody of their children to others when they are unable to care for their children themselves, and that such practice should be encouraged by returning custody to the

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\* Circuit judge, sitting on the Court of Appeals by assignment.

relinquishing parent when the temporary period envisioned by the agreement has expired. *Straub v Straub*, 209 Mich App 77, 81; 530 NW2d 125 (1995); *Loyd v Loyd*, 182 Mich App 769, 780-781; 452 NW2d 910 (1990); *Theroux v Doerr*, 137 Mich App 147, 149-150; 357 NW2d 327 (1984); *Speers v Speers*, 108 Mich App 543, 547; 310 NW2d 455 (1981); *Dowd v Dowd*, 97 Mich App 276, 279-280; 293 NW2d 797 (1980).

Here, however, the paternal grandparents had already obtained temporary custody of the children prior to the June 17, 1994, hearing, and had moved for “permanent and full” custody of the children. We can find nothing in the June 17, 1994, hearing transcript or the trial court’s June 29, 1994, order continuing custody with the paternal grandparents to indicate that the parties ever reached any agreement that plaintiff would assume full custody of the children at some future time. Accordingly, the public policy considerations recognized in the cases cited above do not apply here. See, e.g., *Sedlar v Sedlar*, 165 Mich App 71, 76-77; 419 NW2d 18 (1987).

Affirmed.

/s/ David H. Sawyer  
/s/ Donald E. Holbrook, Jr.  
/s/ William E. Collette